

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

SEP 14 10 25

U.S. DISTRICT COURT
DISTRICT OF MASS

UNITED STATES OF AMERICA)

v.)

MARIO ESPINO,
Defendant)

CRIMINAL NO. 04-30020-MAP

MOTION FOR DISCOVERY OF DRUG EVIDENCE AND
TO ALLOW DEFENDANT'S EXPERT TO WEIGH AND ANALYZE THE DRUGS

The defendant moves that this Court order the Government to provide him with the following information regarding the drug analysis and testing:

1. The method used to weigh and analyze the drugs which were allegedly sold by the defendant to an undercover officer. (Ex. 2, Ex. 3, Ex. 5)(see attached)

The defendant further moves that this Court order the Government to allow his expert, Dr. Harvey Cohen, to weigh and analyze the drugs and to make the drugs available to him for this purpose. Dr. Cohen has been retained in other federal cases to perform these tests. He states the following reasons:

1. The Government alleges that the defendant made the following distributions to an undercover officer:

- a) March 7, 2003--- weight- 19.6 grams, Exhibit 2, Lab. # 156503
- b) March 26, 2003 -- weight - 29.9 grams, Exhibit 3, Lab. # 156914
- c) May 13, 2003 ---- weight - 51.2 grams, Exhibit 5, Lab. # 157755

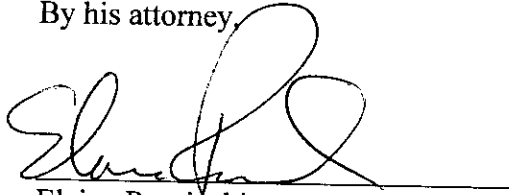
The total weight is 100.7 grams of heroin.

2. The defendant would like to have his own expert weigh these two substances and test a portion of them. It is assumed that the drugs are still being kept in the laboratory located in New York. The defendant requests that the drugs be brought to a location either in Springfield or Boston so that Dr. Cohen could have access to them.

3. Defense counsel understands that DEA requires a court order before it can arrange to make the drugs available to Dr. Cohen for weighing and testing.

WHEREFORE, the defendant respectfully requests that the Court issue a proposed order, allowing the defendant's own expert the opportunity to weigh and test the three substances in question.

Mario Espino
By his attorney,

A handwritten signature in black ink, appearing to read 'Elaine Pourinski', written over a horizontal line.

Elaine Pourinski
13 Old South Street
Northampton, MA. 01060
413-587-9807
BBO # 550986

3. G-DEP ICN

5. FILE TITLE	
---------------	--

5. FILE TITLE	
---------------	--

8. GROUP NO.	1600
--------------	------

2 - Orig. Office

U.S. Department of Justice
Drug Enforcement Administration

REPORT

RUG PROPERTY COLLECTED, PURCHASED OR SEIZED

1. HOW OBTAINED (Check) <input checked="" type="checkbox"/> Purchase <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify)			2a. FILE NO. [REDACTED]		2b. PROGRAM CODE [REDACTED]		3. G-DEP ID [REDACTED]	
4a. WHERE OBTAINED (City, State/Country) Springfield, Massachusetts			4b. DATE OBTAINED 03-26-2003		5. FILE TITLE [REDACTED]			
6a. REFERRING AGENCY (Name)			6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No.		7. DATE PREPARED 03-27-2003		8. GROUP NO. 1600	
9. Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)		APPROX. GROSS QUANTITY		15. Purchase Price	
3		HEROIN	Brown tape in a ball		13. Seized 58.64 (AGW)	14. Submitted 58.64 (AGW)	2550.00	

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG ? ☒ NO (included above) ☐ YES (if Yes, enter exhibit no. and describe original container fully)

REMARKS:
 Exhibit 3, thirty (30) grams of heroin, was purchased on 3/26/2003, by Trp Rivera, from Mario ESPINO for \$2550.00. The purchase took place in the parking lot of the Northgate Plaza located at Main and Congress Streets in Springfield, Massachusetts. Trp Rivera and TFA Thomas processed the exhibit and secured it in the Springfield R.O. drop box for safekeeping. On 3/31/2002 Springfield R.O. Drug Custodian, S/A Barron, turned over the exhibit to TFA Thomas. TFA Thomas submitted the exhibit to NERL for analysis and safekeeping.

17. SUBMITTED BY SPECIAL AGENT (Signature) TFA Kevin Thomas <i>Kevin Thomas 3/31/2003</i>		18. APPROVED BY (Signature & Title) G/S Ed Senecal <i>Ed Senecal</i>	
LABORATORY EVIDENCE RECEIPT REPORT			
19. NO. PACKAGES 1	20. RECEIVED FROM (Signature & Date) <i>KB 1-8-854/681</i>	21. Print or Type NAME and TITLE	
22. SEAL <input type="checkbox"/> Broken <input type="checkbox"/> Unbroken 04/21/03	23. RECEIVED BY (Signature & Date) <i>4-2-03</i>	24. Print or Type NAME and TITLE <i>Laura M. A.</i>	
25. ANALYSIS SUMMARY AND REMARKS pm LABORATORY REPORT			

Exhibit #3 contains heroin hydrochloride.

Gross Wt. = 58.7 g

Net Wt. = 29.9 g

SEE CERTIFICATION ON BACK

26. Exhibit No. 3	27. Lab. No. 156914	28. ACTIVE DRUG INGREDIENT (Established or Common Name) heroin hydrochloride	29. CONCENTRATION			32. AMT. OF PURE DRUG 15.8 g	33. RESEF. VE 29.4 g
			29. Strength 53	30. Measure %	31. Unit		
34. ANALYST (Signature) <i>Christina M. Chirisa</i>			35. TITLE S/Forensic Chemist			36. DATE COMPLETED 04/15/03	
37. APPROVED BY (Signature & Date) Thomas M. Blackwell			38. TITLE Laboratory Director			39. LAB. LOCATION New York	

157755

U.S. Department of Justice
Drug Enforcement AdministrationRead Instructions on Form 1575e
before completing.

REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED

HOW OBTAINED (Check) <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Internal Body Carry <input checked="" type="checkbox"/> Purchase <input type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Other (Specify)			2a. FILE NO. [REDACTED]		2b. PROGRAM CODE [REDACTED]		3. G-DEP ID [REDACTED]	
1. WHERE OBTAINED (City, State/Country) Springfield, MA			4b. DATE OBTAINED 05-13-2003		5. FILE TITLE [REDACTED]			
1. REFERRING AGENCY (Name)			6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No.		7. DATE PREPARED 05-13-2003		8. GROUP NO.	
Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)		APPROX. GROSS QUANTITY		15. Purchase Cost	
5		Heroin	White, rock like substance wrapped in clear plastic, further wrapped in green translucent plastic wrap.		13. Seized 82.14 gg	14. Submitted	\$4,250.00	

15-13-2003, MSP Trooper Henot Rivera, acting in an undercover capacity, purchased exhibit 5 from Mario ESPINO on Main Street, Springfield, MA. The exhibit was maintained by Trooper Rivera until relinquishing it to RAC John Dudley who processed and sealed it into evidence as witnessed by Trooper Rivera. The exhibit was mailed, return receipt requested, to the Northeast Regional Laboratory for analysis and safekeeping.

SUBMITTED BY SPECIAL AGENT (Signature) SA Kevin Thomas <i>Kevin Thomas</i> 5/15/2003		18. APPROVED BY (Signature & Title) GS Edward Senecal <i>Ed Senecal</i>	
LABORATORY EVIDENCE RECEIPT REPORT			
NO. PACKAGES 1	20. RECEIVED FROM (Signature & Date) <i>LB 178 884 735</i>		21. Print or Type NAME and TITLE
SEAL Broken <input checked="" type="checkbox"/> Unbroken	23. RECEIVED BY (Signature & Date) <i>Candace L. Roche 5/19/03</i>		24. Print or Type NAME and TITLE <i>CANDACE L. ROCHE FC</i>
ANALYSIS SUMMARY AND REMARKS		pm LABORATORY REPORT 582920	

Exhibit #5 contains heroin (salt form undetermined) and procaine (salt form undetermined).

Gross Wt. = 82.4 g
Net Wt. = 51.2 g

SEE CERTIFICATION ON BACK

Exhibit No.	27. Lab. No.	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT. OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
5	157755	heroin (calculated as hydrochloride)	54	%		27.6 g	50.8 g
ANALYST (Signature) <i>Christine M. Blackwell</i>		35. TITLE Forensic Chemist			36. DATE COMPLETED 06/06/03		
APPROVED BY (Signature & Date) Thomas M. Blackwell <i>Thomas M. Blackwell</i> 6/4/03		38. TITLE Laboratory Director			39. LAB. LOCATION New York		